



Signed and Filed: September 15, 2022

A handwritten signature in black ink, appearing to read "Hannah L. Blumenstiel", is written over a horizontal line.

HANNAH L. BLUMENSTIEL
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:)	Case No. 19-31024 HLB
)	
RICHARD TOM,)	Chapter 7
)	
Debtor.)	
)	
MARK NG, KENDALL NG, and)	Adv. Proc. No. 19-3065 HLB
LORAIN WONG,)	
)	
Plaintiffs,)	
v.)	
)	
RICHARD TOM,)	
)	
Defendant.)	

ORDER CONDITIONALLY VACATING ORDER TO SHOW CAUSE

This proceeding came before the court on September 15, 2022 for a hearing on the court's Order to Show Cause.¹ Appearances were as noted on the record.

For the reasons stated on the record, the court **ORDERS** as follows:

1. The OSC is hereby **VACATED** as to Ms. Kenesha Fudge's deposition in her capacity as Trustee of the Moon Irrevocable

¹ Dkt. 145 (the "OSC").

1 Trust. The court deems Ms. Fudge's deposition in her capacity as
2 Trustee of the Moon Irrevocable Trust concluded.

3 **2.** As to Ms. Fudge's production of documents on behalf of
4 the Moon Irrevocable Trust, the court hereby **VACATES** the OSC
5 **subject to** Ms. Fudge's production no later than **September 30,**
6 **2022** of all communications between Ms. Fudge and Defendant
7 Richard Tom, as previously ordered in the OSC and in the court's
8 Sixth Order Regarding Discovery Dispute.²

9 **3.** No later than **October 5, 2022,** Plaintiffs Mark Ng,
10 Kendall Ng, and Loraine Wong shall file and serve a declaration
11 attesting to whether they believe that Ms. Fudge has timely and
12 fully complied with Paragraph 2 of this order. Such declaration
13 shall not exceed 3 pages, absent prior leave of court. This page
14 limit shall not apply to any exhibits that might be attached to
15 this declaration. Plaintiffs shall serve their declaration on
16 Ms. Fudge, Ms. Fudge's attorney (Jonathan Lee), and Defendant
17 Richard Tom by email on the date it is filed and shall file a
18 certificate of service proving timely service of the declaration.

19 **4.** Should Ms. Fudge disagree with the attestations in
20 Plaintiffs' declaration, she shall file no later than **October 11,**
21 **2022** a declaration explaining why she believes she has complied
22 with this order. Ms. Fudge's declaration shall not exceed 3
23 pages, absent prior leave of court. This page limit shall not
24 apply to any exhibits that might be attached to Ms. Fudge's
25 declaration.

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² Dkt. 103.

1 **5.** Should Ms. Fudge fail to timely respond to Plaintiffs'
2 declaration, the court will deem Ms. Fudge in agreement with the
3 allegations in Plaintiffs' declaration and will enter an order
4 finding Ms. Fudge in contempt and imposing sanctions of **\$500.00**
5 **per day** for each day Ms. Fudge remains in contempt of this order
6 and the court's prior orders.

7 **6.** After receiving and reviewing the declaration(s)
8 required by this order, the court will issue a further order. If
9 the court concludes that Ms. Fudge has not timely or fully
10 complied with this order, the court will enter an order finding
11 Ms. Fudge in contempt and imposing sanctions on Ms. Fudge in the
12 amount of \$500.00 for each day Ms. Fudge remains in contempt of
13 this order and the court's prior orders.

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15 ****END OF ORDER****
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Court Service List

Richard Tom
536 Green Street, #2
San Francisco, CA 94133

Kenesha Fudge
103 Benji Court
Meridianville, AL 35759

Jonathan Lee
2479 Diamond Street
San Francisco, CA 94131